

effectively? The President and his Cabinet are warmly supported here,—in the *Inquirer*, for example,—but there is no response; no indication as to the course which the Administration desire to be pursued.

I have no earthly motive in writing to you thus, excepting an ardent devotion to the Whig cause, and a desire to see it prosperous. With signal defeat upon us, it becomes us to look around, examine into our errors, if any have been committed, and endeavor to provide a remedy. Our principles, beyond all question, are just and righteous, but history teaches us that, even in the holiest of causes, without sound discretion, victory is not always to be obtained.

[P. S.] Permit me to add that I have seen, with great pleasure, your nomination for the Vice Presidency, most cordially responded to in many of our prominent papers. In this section, nothing could be more gratifying to your friends, than your nomination and election.

*From David L. Swain.*

A.

Chapel Hill,

Nov. 22, 1851.

My information in relation to the death of Judge Potter at the advanced age of some months more than 85 years was, it seems, premature, and the extraordinary relation of the death of Fleming but too true. If the first accounts were startling, the subsequent transactions were not less strange.

I enclose a letter from Judge Battle containing the particulars of the tragedy which you will please consider confidential, and when you have read it, return it to me.

Avery was arraigned on Wednesday, a true bill for murder returned on Thursday, the trial took place on Friday and the jury after a consideration of about 10 minutes returned a verdict of not guilty.

The prisoners counsel argued first, that although 18 days had intervened between the previous rencountre and the homicide, that the outrage was so gross, the prisoner had suffered, that his passions had not cooled and that the killing was thereby relegated to manslaughter, and secondly, that the evidence before them proved that the prisoner was not in his right mind. The first ges-